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VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

March 11, 2013

Jesus Gonzalez, District Manager
Laura Keener, Environmental Protection Manager
USA Waste of CA, Inc.
321 W Francisco Street
Carson, CA 90745

**Re: Notice of Violations and Intent to File Suit Under the Federal Water
Pollution Control Act**

Dear Mr. Gonzalez and Ms. Keener:

I am writing on behalf of California Communities Against Toxics ("CCAT") in regard to violations of the Clean Water Act ("Act") that CCAT believes are occurring at USA Waste of CA, Inc.'s ("USA Waste") facility, the Carson Transfer Station ("Facility"), located at 321 W Francisco Street in Carson, California. CCAT is a non-profit public benefit corporation dedicated to working with communities to advocate for environmental justice and pollution prevention. CCAT has members living in the community adjacent to the Facility and the Los Angeles River Watershed. CCAT and its members are deeply concerned with protecting the environment in and around their communities, including the Los Angeles River Watershed. This letter is being sent to you as the responsible owners, officers, or operators of the Facility (all recipients are hereinafter collectively referred to as "Carson Transfer").

This letter addresses Carson Transfer's unlawful discharge of pollutants from the Facility through the Los Angeles County municipal storm sewer system into the Los Angeles River. The Facility is discharging storm water pursuant to National Pollutant Discharge Elimination System ("NPDES") Permit No. CA S000001, California Regional Water Quality Control Board, Los Angeles Region ("Regional Board") Order No. 92-12-DWQ as amended by Order No. 97-03-DWQ (hereinafter "General Permit"). The WDID identification number for the Facility listed on documents submitted to the Regional Board is 419I000563. The Facility is engaged in ongoing violations of the substantive and procedural requirements of the General Permit.

Section 505(b) of the Clean Water Act requires a citizen to give notice of intent to file

Notice of Violations and Intent to File Suit

suit sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Act (33 U.S.C. § 1365(a)). Notice must be given to the alleged violator, the U.S. Environmental Protection Agency ("EPA") and the State in which the violations occur.

As required by the Clean Water Act, this Notice of Violation and Intent to File Suit provides notice of the violations that have occurred, and continue to occur, at the Facility. Consequently, Carson Transfer is hereby placed on formal notice by CCAT that, after the expiration of sixty days from the date of this Notice of Violations and Intent to Sue, CCAT intends to file suit in federal court against USA Waste, Jesus Gonzalez, and Laura Keener under Section 505(a) of the Clean Water Act (33 U.S.C. § 1365(a)), for violations of the Clean Water Act and the Order. These violations are described more extensively below.

I. Background.

On October 27, 1995, Carson Transfer filed a Notice of Intent to Comply With the Terms of the General Permit to Discharge Storm Water Associated with Industrial Activity ("NOI").¹ On its NOI, Carson Transfer certified that the Facility is classified under SIC Codes 4953 ("solid waste transfer station"). The Facility collects and discharges storm water from its 6.71 acre industrial site into four storm drain outfalls located at the Facility. The outfalls discharge into Los Angeles County's municipal storm sewer system, which flows in the Los Angeles River.

The Regional Board has identified beneficial uses of the Los Angeles River Watershed and established water quality standards for it in the "Water Quality Control Plan – Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties", generally referred to as the Basin Plan. See http://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/basin_plan_documentation.shtml. The beneficial uses of these waters include, among others, contact and non-contact recreation, warm freshwater habitat, wildlife habitat, wetland habitat, commercial and sport fishing, estuarine and marine habitat, and migration of aquatic organisms. The non-contact recreation use is defined as "[u]ses of water for recreational activities involving proximity to water, but not normally involving contact with water where water ingestion is reasonably possible. These uses include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tidepool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities." *Id.* at 2-2. Contact recreation use includes fishing and wading. *Id.* Commercial and sport fishing includes the commercial or recreational collection of fish and shellfish for human consumption. Visible pollution, including visible sheens and cloudy or muddy water from industrial areas, impairs people's use of the Los Angeles River for contact and non-contact water recreation and commercial and sport fishing.

¹ CCAT believes there was an original NOI filed earlier since a letter from the State Water Resources Control Board indicates that it received and approved the original NOI on March 16, 1992. However, a copy of the earlier NOI was not on file with the Regional Board.

The Basin Plan includes a narrative toxicity standard which states that “[a]ll waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in, human, plant, animal, or aquatic life.” *Id.* at 3-16. The Basin Plan includes a narrative oil and grease standard which states that “[w]aters shall not contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect beneficial uses.” *Id.* at 3-11. The Basin Plan provides that “[w]aters shall not contain suspended or settleable material in concentrations that cause nuisance or adversely affect beneficial uses.” *Id.* at 3-16. The Basic Plan provides that “[t]he pH of bays or estuaries [or inland surface waters] shall not be depressed below 6.5 or raised above 8.5 as a result of waste discharges.” *Id.* at 3-15. The Basin Plan provides that “[s]urface waters shall not contain concentrations of chemical constituents in amounts that adversely affect any designated beneficial use.” *Id.* at 3-8. The Basin Plan provides that “[w]ater shall not contain floating materials, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.” *Id.* at 3-9.

The EPA has published benchmark levels as guidelines for determining whether a facility discharging industrial storm water has implemented the requisite best available technology economically achievable (“BAT”) and best conventional pollutant control technology (“BCT”). The following benchmarks have been established for pollutants discharged by Carson Transfer: pH – 6.0 - 9.0 units; total suspended solids (“TSS”) – 100 mg/L, oil and grease (“O&G”) – 15 mg/L, total organic carbon (“TOC”) – 110 mg/L, and iron – 1.0 mg/L.

II. Alleged Violations of the NPDES Permit.

A. Discharges in Violation of the Permit not Subjected to BAT/BCT

Carson Transfer has violated and continues to violate the terms and conditions of the General Permit. Section 402(p) of the Act prohibits the discharge of storm water associated with industrial activities, except as permitted under an NPDES permit (33 U.S.C. § 1342) such as the General Permit. The General Permit prohibits any discharges of storm water associated with industrial activities or authorized non-storm water discharges that have not been subjected to BAT or BCT. Effluent Limitation B(3) of the General Permit requires dischargers to reduce or prevent pollutants in their storm water discharges through implementation of BAT for toxic and nonconventional pollutants and BCT for conventional pollutants. BAT and BCT include both nonstructural and structural measures. General Permit, Section A(8). Conventional pollutants are TSS, O&G, pH, biochemical oxygen demand (“BOD”), and fecal coliform. 40 C.F.R. § 401.16. All other pollutants are either toxic or nonconventional. *Id.*; 40 C.F.R. § 401.15.

In addition, Discharge Prohibition A(1) of the General Permit prohibits the discharge of materials other than storm water (defined as non-storm water discharges) that discharge either directly or indirectly to waters of the United States. Discharge Prohibition A(2) of the General Permit prohibits storm water discharges and authorized non-storm water discharges that cause or threaten to cause pollution, contamination, or nuisance.

Receiving Water Limitation C(1) of the General Industrial Storm Water Permit prohibits storm water discharges and authorized non-storm water discharges to surface or groundwater that adversely impact human health or the environment. Receiving Water Limitation C(2) of the General Permit also prohibits storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of any applicable water quality standards contained in a Statewide Water Quality Control Plan or the applicable Regional Board's Basin Plan. The General Permit does not authorize the application of any mixing zones for complying with Receiving Water Limitation C(2). As a result, compliance with this provision is measured at the Facility's discharge monitoring locations.

Carson Transfer has discharged and continues to discharge storm water with unacceptable levels of total suspended solids, oil & grease, total organic carbon, iron, and other pollutants in violation of the General Permit. Carson Transfer's sampling and analysis results reported to the Regional Board confirm discharges of specific pollutants and materials other than storm water in violation of the Permit provisions listed above. Self-monitoring reports under the Permit are deemed "conclusive evidence of an exceedance of a permit limitation." *Sierra Club v. Union Oil*, 813 F.2d 1480, 1493 (9th Cir. 1988).

The Facility discharged storm water on the following dates with the corresponding indicated pH levels at the indicated Outfalls:

- December 12, 2011 – 6.27 (Outfall E-1)
- December 29, 2010 – 5.7 (Outfall W-2)
- December 16, 2008 – 5.27 (Outfall W-1)
- December 16, 2008 – 6.38 (Outfall W-2)

These discharges of pollutants from the Facility thus have contained concentrations of pollutants less than the numeric water quality standard established in the Basin Plan for pH and have thus violated Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2). They are evidence of ongoing violations of Effluent Limitation B(3) of the General Industrial Storm Water Permit.

The following discharges of pollutants from the Facility have violated Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) and are evidence of ongoing violations of Effluent Limitation B(3) of the General Industrial Storm Water Permit.

Date	Parameter	Observed Concentration	EPA Benchmark Value	Location (as identified by the Facility)
2/15/2012	Total Suspended Solids	3900 mg/L	100 mg/L	E-1
2/15/2012	Oil & Grease	65 mg/L	15 mg/L	E-1
2/15/2012	Total Organic Carbon	680 mg/L	110 mg/L	E-1
2/15/2012	Iron	58 mg/L	1.0 mg/L	E-1

2/15/2012	Total Suspended Solids	1900 mg/L	100 mg/L	E-2
2/15/2012	Oil & Grease	26 mg/L	15 mg/L	E-2
2/15/2012	Total Organic Carbon	130 mg/L	110 mg/L	E-2
2/15/2012	Iron	29 mg/L	1.0 mg/L	E-2
2/15/2012	Total Suspended Solids	2500 mg/L	100 mg/L	W-1
2/15/2012	Oil & Grease	46 mg/L	15 mg/L	W-1
2/15/2012	Total Organic Carbon	180 mg/L	110 mg/L	W-1
2/15/2012	Iron	42 mg/L	1.0 mg/L	W-1
2/15/2012	Total Suspended Solids	1100 mg/L	100 mg/L	W-2
2/15/2012	Oil & Grease	16 mg/L	15 mg/L	W-2
2/15/2012	Total Organic Carbon	160 mg/L	110 mg/L	W-2
2/15/2012	Iron	19 mg/L	1.0 mg/L	W-2
12/12/2011	Total Suspended Solids	1900 mg/L	100 mg/L	E-1
12/12/2011	Oil & Grease	68 mg/L	15 mg/L	E-1
12/12/2011	Total Organic Carbon	310 mg/L	110 mg/L	E-1
12/12/2011	Iron	56 mg/L	1.0 mg/L	E-1
12/12/2011	Total Suspended Solids	640 mg/L	100 mg/L	E-2
12/12/2011	Oil & Grease	29 mg/L	15 mg/L	E-2
12/12/2011	Iron	19 mg/L	1.0 mg/L	E-2
12/12/2011	Total Suspended Solids	3000 mg/L	100 mg/L	W-1
12/12/2011	Oil & Grease	93 mg/L	15 mg/L	W-1
12/12/2011	Total Organic Carbon	190 mg/L	110 mg/L	W-1
12/12/2011	Iron	44 mg/L	1.0 mg/L	W-1
12/12/2011	Total Suspended Solids	890 mg/L	100 mg/L	W-2
12/12/2011	Oil & Grease	53 mg/L	15 mg/L	W-2
12/12/2011	Total Organic Carbon	140 mg/L	110 mg/L	W-2
12/12/2011	Iron	20 mg/L	1.0 mg/L	W-2
11/4/2011	Total Suspended Solids	680 mg/L	100 mg/L	E-1
11/4/2011	Oil & Grease	28 mg/L	15 mg/L	E-1
11/4/2011	Total Organic Carbon	260 mg/L	110 mg/L	E-1
11/4/2011	Iron	21 mg/L	1.0 mg/L	E-1
11/4/2011	Total Organic Carbon	230 mg/L	110 mg/L	E-2
11/4/2011	Iron	4.3 mg/L	1.0 mg/L	E-2
11/4/2011	Total Suspended Solids	240 mg/L	100 mg/L	W-1
11/4/2011	Oil & Grease	15 mg/L	15 mg/L	W-1
11/4/2011	Total Organic Carbon	220 mg/L	110 mg/L	W-1
11/4/2011	Iron	6.9 mg/L	1.0 mg/L	W-1
11/4/2011	Total Suspended Solids	390 mg/L	100 mg/L	W-2
11/4/2011	Oil & Grease	33 mg/L	15 mg/L	W-2
11/4/2011	Total Organic Carbon	360 mg/L	110 mg/L	W-2
11/4/2011	Iron	18 mg/L	1.0 mg/L	W-2
12/29/2010	Total Suspended Solids	5700 mg/L	100 mg/L	E-1

12/29/2010	Oil & Grease	55 mg/L	15 mg/L	E-1
12/29/2010	Total Organic Carbon	270 mg/L	110 mg/L	E-1
12/29/2010	Iron	32 mg/L	1.0 mg/L	E-1
12/29/2010	Total Suspended Solids	150 mg/L	100 mg/L	E-2
12/29/2010	Iron	3.3 mg/L	1.0 mg/L	E-2
12/29/2010	Total Suspended Solids	1400 mg/L	100 mg/L	W-1
12/29/2010	Iron	6.1 mg/L	1.0 mg/L	W-1
12/29/2010	pH	5.7 s.u.	6.0 – 9.0 s.u.	W-2
12/29/2010	Total Suspended Solids	700 mg/L	100 mg/L	W-2
12/29/2010	Oil & Grease	21 mg/L	15 mg/L	W-2
12/29/2010	Total Organic Carbon	580 mg/L	110 mg/L	W-2
12/29/2010	Iron	9.4 mg/L	1.0 mg/L	W-2
12/16/2008	Total Suspended Solids	1170 mg/L	100 mg/L	E-1
12/16/2008	Iron	12.1 mg/L	1.0 mg/L	E-1
12/16/2008	Total Suspended Solids	448 mg/L	100 mg/L	E-2
12/16/2008	Iron	3.8 mg/L	1.0 mg/L	E-2
12/16/2008	pH	5.27 s.u.	6.0 – 9.0 s.u.	W-1
12/16/2008	Total Suspended Solids	365 mg/L	100 mg/L	W-1
12/16/2008	Oil & Grease	18.8 mg/L	15 mg/L	W-1
12/16/2008	Iron	23.1 mg/L	1.0 mg/L	W-1
12/16/2008	Total Suspended Solids	5930 mg/L	100 mg/L	W-2
12/16/2008	Iron	33.7 mg/L	1.0 mg/L	W-2

The information in the above table reflects data gathered from Carson Transfer's self-monitoring during the 2008-2009, 2009-2010, 2010-2011, and 2011-2012 wet seasons. CCAT alleges that during each of those rainy seasons and continuing through today, Carson Transfer has discharged storm water contaminated with pollutants at levels that exceed one or more applicable EPA Benchmarks, including but not limited to each of the following:

- Total Suspended Solids – 100 mg/L
- Oil & Grease – 15 mg/L
- Total Organic Carbon – 110 mg/L
- Iron – 1.0 mg/L

CCAT's investigation, including its review of Carson Transfer's analytical results documenting pollutant levels in the Facility's storm water discharges well in excess of applicable water quality standards and the EPA's benchmark values indicates that Carson Transfer has not implemented BAT and BCT at the Facility for its discharges of total suspended solids, oil & grease, total organic carbon, iron, and other pollutants, in violation of Effluent Limitation B(3) of the General Permit. Carson Transfer was required to have implemented BAT and BCT by no later than October 1, 1992, or since the date the Facility opened. Thus, Carson Transfer is discharging polluted storm water associated with its industrial operations without having implemented BAT and BCT.

In addition, the numbers listed in the table above indicate that the Facility is discharging polluted storm water in violation of Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) of the General Permit. CCAT alleges that such violations also have occurred and will occur on other rain dates, including every significant rain event that has occurred since March 11, 2008 and that will occur at the Facility subsequent to the date of this Notice of Violation and Intent to File Suit. Attachment A, attached hereto, sets forth each of the specific rain dates on which CCAT alleges that Carson Transfer has discharged storm water containing impermissible levels of suspended solids, oil & grease, total organic carbon, and iron in violation of Effluent Limitation B(3), Discharge Prohibitions A(1) and A(2), and Receiving Water Limitations C(1) and C(2) of the General Permit.²

These unlawful discharges from the Facility are ongoing. Each discharge of storm water containing any of these pollutants constitutes a separate violation of the General Industrial Storm Water Permit and the Act. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, Carson Transfer is subject to penalties for violations of the General Permit and the Act since March 11, 2008.

B. Failure to Develop and Implement an Adequate Monitoring and Reporting Program

Section B of the General Permit describes the monitoring requirements for storm water and non-storm water discharges. Facilities are required to make monthly visual observations of storm water discharges (Section B(4)) and quarterly visual observations of both unauthorized and authorized non-storm water discharges (Section B(3)). Section B(5) requires facility operators to sample and analyze at least two storm water discharges from all storm water discharge locations during each wet season. Section B(7) requires that the visual observations and samples must represent the "quality and quantity of the facility's storm water discharges from the storm event."

On information and belief, CSPA alleges that Carson Transfer failed to properly record its visual observations on February 15, 2012; December 12, 2011; and December 29, 2010. On these dates, Carson Transfer conducted observations of storm water discharges and did not report observing any pollutants indicative of increased sediments – such as cloudiness or muddy water. Carson Transfer also did not report observing any pollutants indicative of increased oil & grease – such as oil sheen. However, Carson Transfer's storm water sampling results for these dates indicate levels of TSS greatly in excess of the benchmark value of 100 mg/L – levels at which Carson Transfer was observing the presence of turbid, brown water in the storm water discharges. The sampling results for these dates also indicate levels of O&G well above the benchmark value of 15 mg/L – levels at which Carson Transfer undoubtedly was observing the presence of a sheen in the storm water discharges. On the dates listed above, the highest levels of TSS reported were 3900 mg/L, 3000 mg/L, and 5700 mg/L, respectively. CSPA alleges that it

² The rain dates are all the days when 0.1" or more rain fell as measured by at a weather station in Long Beach approximately 13 miles away from the Facility.

is impossible for water with levels of TSS this high to be free of turbidity and brown-colored water. On the dates listed above, the highest levels of O&G reported were 65 mg/L, 93 mg/L, and 55 mg/L, respectively. CPSA alleges that it is impossible for water with levels of O&G this high to be free of any sheen. These violations are ongoing. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, Carson Transfer is subject to penalties for violations of the General Permit and the Act since March 11, 2008.

On information and belief, CCAT also alleges that Carson Transfer failed to observe and sample any storm water discharges during the 2009-2010 wet season in violation of Sections B(4) and B(5) of the General Permit. In particular, CCAT alleges that Carson Transfer failed to observe and sample discharges on January 3, 2010, and February 27, 2010. Correspondence to the Regional Board indicates that the Facility is open 24 hours a day Monday through Friday and 12:00 am to 2:00 pm on Saturday. Thus, since the Facility reported that it rained on those days, the Facility violated the General Permit by failing to observe and sample storm water discharges on those days. It is not possible that the rainfall began prior to the workday, as the Facility reported. Further, the Facility failed to observe and sample storm water discharges on at least February 5, 2010, and April 22, 2010. On those days, the Facility indicated that the discharges were ineligible because of rain that occurred in the previous three days. However, the Facility reported that no *discharges* had occurred in the previous three days, and thus the Facility should have conducted the requisite sampling. As the General Permit sets forth, a Facility would be able to refrain from observing or sampling storm water discharges only if they were preceded by other *discharges* in the three days prior to the discharge.

Finally, the above-referenced data was obtained from the Facility's monitoring program as reported in its Annual Reports submitted to the Regional Board. This data is evidence that the Facility has violated various Discharge Prohibitions, Receiving Water Limitations, and Effluent Limitations in the General Permit. To the extent the storm water data collected by Carson Transfer is not representative of the quality of the Facility's various storm water discharges and that the Facility failed to monitor all qualifying storm water discharges, CCAT, alleges that the Facility's monitoring program violates Sections B(3), (4), (5) and (7) of the General Permit.

The above violations are ongoing. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, Carson Transfer is subject to penalties for violations of the General Permit and the Act's monitoring and sampling requirements since March 11, 2008.

C. *Failure to Prepare, Implement, Review and Update an Adequate Storm Water Pollution Prevention Plan.*

Section A and Provision E(2) of the General Industrial Storm Water Permit require dischargers of storm water associated with industrial activity to develop, implement, and update an adequate storm water pollution prevention plan ("SWPPP") no later than October 1, 1992. Section A(1) and Provision E(2) requires dischargers who submitted an NOI pursuant to the

General Permit to continue following their existing SWPPP and implement any necessary revisions to their SWPPP in a timely manner, but in any case, no later than August 1, 1997.

The SWPPP must, among other requirements, identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm and non-storm water discharges from the facility and identify and implement site-specific best management practices ("BMPs") to reduce or prevent pollutants associated with industrial activities in storm water and authorized non-storm water discharges (General Permit, Section A(2)). The SWPPP must include BMPs that achieve BAT and BCT (Effluent Limitation B(3)). The SWPPP must include: a description of individuals and their responsibilities for developing and implementing the SWPPP (General Permit, Section A(3)); a site map showing the facility boundaries, storm water drainage areas with flow pattern and nearby water bodies, the location of the storm water collection, conveyance and discharge system, structural control measures, impervious areas, areas of actual and potential pollutant contact, and areas of industrial activity (General Permit, Section A(4)); a list of significant materials handled and stored at the site (General Permit, Section A(5)); a description of potential pollutant sources including industrial processes, material handling and storage areas, dust and particulate generating activities, a description of significant spills and leaks, a list of all non-storm water discharges and their sources, and a description of locations where soil erosion may occur (General Permit, Section A(6)).

The SWPPP also must include an assessment of potential pollutant sources at the Facility and a description of the BMPs to be implemented at the Facility that will reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges, including structural BMPs where non-structural BMPs are not effective (General Permit, Section A(7), (8)). The SWPPP must be evaluated to ensure effectiveness and must be revised where necessary (General Permit, Section A(9),(10)).

CCAT's investigation of the conditions at the Facility as well as Carson Transfer's Annual Reports indicate that Carson Transfer has been operating with an inadequately developed or implemented SWPPP in violation of the requirements set forth above. Carson Transfer has failed to evaluate the effectiveness of its BMPs and to revise its SWPPP as necessary. Carson Transfer has been in continuous violation of Section A and Provision E(2) of the General Permit every day since March 11, 2008, at the very latest, and will continue to be in violation every day that Carson Transfer fails to prepare, implement, review, and update an effective SWPPP. Carson Transfer is subject to penalties for violations of the Order and the Act occurring since March 11, 2008.

D. Failure to File True and Correct Annual Reports.

Section B(14) of the General Industrial Storm Water Permit requires dischargers to submit an Annual Report by July 1st of each year to the executive officer of the relevant Regional Board. The Annual Report must be signed and certified by an appropriate corporate officer. General Permit, Sections B(14), C(9), (10). Section A(9)(d) of the General Industrial Storm Water Permit requires the discharger to include in their annual report an evaluation of

their storm water controls, including certifying compliance with the General Industrial Storm Water Permit. *See also* General Permit, Sections C(9) and (10) and B(14).

For the last five years, Carson Transfer and its agent, Jesus Gonzalez, inaccurately certified in their Annual Reports that the facility was in compliance with the General Permit. Consequently, Carson Transfer has violated Sections A(9)(d), B(14) and C(9) & (10) of the General Industrial Storm Water Permit every time Carson Transfer failed to submit a complete or correct report and every time Carson Transfer or its agents falsely purported to comply with the Act. Carson Transfer is subject to penalties for violations of Section (C) of the General Industrial Storm Water Permit and the Act occurring since March 11, 2008.

III. Persons Responsible for the Violations.

CCAT puts USA Waste, Jesus Gonzalez, and Laura Keener on notice that they are the persons responsible for the violations described above. If additional persons are subsequently identified as also being responsible for the violations set forth above, CCAT puts USA Waste, Jesus Gonzalez, and Laura Keener on notice that it intends to include those persons in this action.

IV. Name and Address of Noticing Parties.

The name, address and telephone number of CCAT is as follows:

Jane Williams
Executive Director
California Communities Against Toxics
P.O. Box 845
Rosamond, CA 93560
Tel. (661) 510-3412

V. Counsel.

CCAT has retained counsel to represent it in this matter. Please direct all communications to:

Michael R. Lozeau
Douglas J. Chermak
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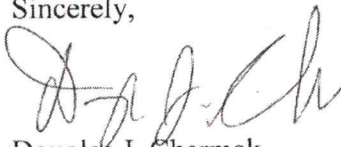
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VI. Penalties.

Pursuant to Section 309(d) of the Act (33 U.S.C. § 1319(d)) and the Adjustment of Civil Monetary Penalties for Inflation (40 C.F.R. § 19.4) each separate violation of the Act subjects Carson Transfer to a penalty of up to \$32,500 per day per violation for all violations occurring during the period commencing five years prior to the date of this Notice of Violations and Intent to File Suit through January 12, 2009, and a maximum of \$37,500 per day per violation for all violations occurring after January 12, 2009. In addition to civil penalties, CCAT will seek injunctive relief preventing further violations of the Act pursuant to Sections 505(a) and (d) (33 U.S.C. § 1365(a) and (d)) and such other relief as permitted by law. Lastly, Section 505(d) of the Act (33 U.S.C. § 1365(d)), permits prevailing parties to recover costs and fees, including attorneys' fees.

CCAT believes this Notice of Violations and Intent to File Suit sufficiently states grounds for filing suit. CCAT intends to file a citizen suit under Section 505(a) of the Act against Carson Transfer and its agents for the above-referenced violations upon the expiration of the 60-day notice period. However, during the 60-day notice period, CCAT would be willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions in the absence of litigation, CCAT suggests that you initiate those discussions within the next 20 days so that they may be completed before the end of the 60-day notice period. CCAT does not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

Sincerely,



Douglas J. Chermak

Lozeau Drury LLP

Attorneys for California Community Against Toxics

cc via first-class mail: CT Corporation, Agent for Service of Process for
USA Waste of California, Inc. (C1992530)
818 W Seventh Street
Los Angeles, CA 90017

SERVICE LIST

Bob Perciasepe, Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Thomas Howard, Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Eric Holder, U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Jared Blumenfeld, Regional Administrator
U.S. EPA – Region 9
75 Hawthorne Street
San Francisco, CA, 94105

Samuel Unger, Executive Officer
Los Angeles Regional Water Quality Control Board
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

ATTACHMENT A

Rain Dates, Carson Transfer Station, Carson, California

1/26/2008	2/19/2010	1/23/2012
1/27/2008	2/23/2010	2/15/2012
1/28/2008	2/27/2010	2/27/2012
2/24/2008	3/6/2010	3/17/2012
5/23/2008	4/5/2010	3/18/2012
11/4/2008	4/12/2010	3/25/2012
11/25/2008	10/6/2010	4/10/2012
11/26/2008	11/20/2010	4/11/2012
12/15/2008	12/10/2010	4/13/2012
12/17/2008	12/17/2010	4/25/2012
12/22/2008	12/18/2010	4/26/2012
12/25/2008	12/19/2010	7/25/2012
1/23/2009	12/20/2010	11/29/2012
2/5/2009	12/21/2010	11/30/2012
2/6/2009	12/22/2010	12/2/2012
2/7/2009	12/23/2010	12/3/2012
2/8/2009	12/24/2010	12/13/2012
2/9/2009	12/26/2010	12/24/2012
2/13/2009	12/27/2010	12/26/2012
2/16/2009	1/30/2011	12/29/2012
2/17/2009	2/16/2011	1/24/2013
3/4/2009	2/18/2011	
10/13/2009	2/19/2011	
10/14/2009	2/25/2011	
12/7/2009	2/26/2011	
12/11/2009	3/20/2011	
12/12/2009	3/21/2011	
12/13/2009	3/23/2011	
1/13/2010	3/25/2011	
1/14/2010	3/27/2011	
1/17/2010	5/17/2011	
1/18/2010	10/4/2011	
1/19/2010	10/5/2011	
1/20/2010	11/4/2011	
1/21/2010	11/6/2011	
1/22/2010	11/12/2011	
2/5/2010	11/20/2011	
2/6/2010	12/12/2011	
2/15/2010	1/21/2012	

Notice of Violations and Intent to File Suit